

AMENDED

May 15, 2023

Dear Property Owner or Agent:

The State of South Carolina is seeking office, studio and claims center space in Richland County. Attached is a summary of specifications and lease criteria. You are invited to submit a proposal to lease property to the State which may meet the criteria. Please use the Proposal to Lease Space form (Form FMPS-202E).

All proposals must be received by the Department of Administration, Real Property Services on or before **4:00 PM, May 26, 2023**.

The agency and Real Property Services will determine which proposals best suit the agency's needs. After the deadline, we will review all proposals submitted. Should your proposal be of interest, you will be contacted to schedule a meeting and view the property.

All inquiries regarding this lease solicitation should be directed to Real Property Services via e-mail at rps@admin.sc.gov.

To be eligible to submit a proposal, a property owner or agent must have submitted to Real Property Services a receipt and acknowledgment of S.C. Code of Laws, 1976, as amended, §§1-11-55, 1-11-56, and 1-11-65 and S.C. Code of Regulations, §19-447.1000. If you have not done so and wish to respond with a proposal, you may download the Real Property Proposal to Lease Form from our website at: https://admin.sc.gov/real_property/forms (bottom of the webpage).

Sincerely,

Real Property Services



**REQUEST FOR LEASE PROPOSAL FOR
SOUTH CAROLINA EDUCATION LOTTERY COMMISSION**

**OFFICE, PRODUCTION STUDIO AND CLAIMS CENTER SPACE
IN RICHLAND COUNTY**

No lease agreement with the State is final without the approval of designated authorities as governed by South Carolina law. Real Property Services reserves the right to negotiate lease terms with submitting parties until such final approval is granted. State law prohibits any party participating in this solicitation process from making direct contact with the agency seeking space until a final lease has been approved. All correspondence should be directed to Real Property Services. Prior to lease negotiation, Landlord must provide a list of all partners or members where Landlord is an LLC or partnership (to include all tiers so that individuals are named). Leases that must be approved by the State Fiscal Accountability Authority also require Private Participant Disclosure forms to be completed by the Lessor (copies available upon request).

Properties selected for site visits will be chosen based on a cost analysis of the submitted proposals, the responsiveness of the proposals to the stated requirements, and the space efficiency of proposed floor plans submitted; therefore, best proposals should be submitted initially.

I. LEASE CRITERIA – South Carolina Education Lottery Commission (SCEL)

- Location: RICHLAND COUNTY, SOUTH CAROLINA (In close proximity to Interstates 20, 26, and 77).
- It would be preferable for location(s) to be located on a power grid that will be among of the first to be restored (aligned with a major hospital or other essential services) after a storm or other similar event that cause a lack of power and/or internet connection. For the security of the gaming system (the integrity of which cannot be compromised or put at risk) and SCEL operations, a location in close proximity to the switching and termination point of fiber optic and copper connections is preferred.
- Expected occupancy date: August 1, 2024
- Total space needed is approximately 30,000 - 35,500 rentable square feet (RSF) +/- (as delineated herein) depending on circulation and common area factor. Please include both rentable and usable square feet in proposal and include the common area factor (%).

Ideal set up should include, but is not limited to:

II. GENERAL OFFICE SPACE (29,500 SF +/-)

A. PUBLIC BUILDING SPACE

1. **1 communal building space (Board Room)** of approximately **1,200 SF**, that is accessible to the public and that can be reserved by any building Tenant to accommodate 12 seats for board and staff and an additional 25 seats for public. (This space would be separate from the required rentable square feet mentioned above and must be wired for high-speed internet connectivity and shall have a dimmer switch provided by Landlord).
2. **1 secured storage area** of approximately **600-800 SF** for office records, IT equipment and/or furniture. This storage area does not need to be in the Demised Premises but could be in a basement, etc. Some storage space without climate-control will be acceptable while other storage (e.g. IT equipment) will need to be climate controlled (please describe in proposal).



B. RECEPTION AND SUPPORT AREAS:

1. **Lobby/Reception** area of approximately **120 - 140 SF**. Lobby/Reception area for visitors must be a controlled area separated from the employee work area.
2. **Secured 120 SF room** adjacent to the Lobby/Reception area for 24/7 law enforcement (Bureau of Protective Services Officer). The BPS Officer must have the ability to view and provide an immediate response for SCEL staff and visitors.
3. **1 large conference room** of approximately **600 SF** only accessible through the Lobby/Reception area.

C. SECURED EMPLOYEE AREAS:

- The building must have card access readers for after-hours access.
 - Elevators must have card access readers for after-hours access to SCEL floor(s).
 - All access to SCEL employee office space must be secured by access card and bio reader to be provided by Tenant. If SCEL shares a floor with other Tenants, floor to deck demising walls are required.
 - All interior room doors must have functioning locks.
1. Private offices and space for cubicles is needed for employees, to include:
 - **20 private executive offices** of approximately **180 SF** each.
 - **45 private standard offices** of approximately **120 SF** each.
 - **Open floor area** of approximately **1200 SF** to accommodate 10 workstations/cubicles of 10' by 12'.
 2. **1 large conference room** of approximately **400 SF**, only accessible through the Secured Employee Area. (This conference room shall have a dimmer switch provided by Landlord).
 3. **1 Break Room** of approximately **400 +/- SF** with seating for 10 to 15 people, 2 refrigerators, sink, garbage disposal, two water lines, 2 microwaves and a minimum of 6 outlets to be provided by Landlord). An adjacent storage area (closet is acceptable) for break room supplies and other events is desirable.
 4. **1 work room** with approximately **1,200 SF** for a commercial-grade copier/printer(s), cutters, and work area to be used for producing and packaging promotional sales items for 3,800 SCEL retailers including space for cabinets, shelving, storage for printing supplies, and storage space for paper rolls and pallets. **Minimum power requirements for this room are 12 (double) outlets of standard 110V 20A, and 6 of 220V 20A.** Proper cooling, lighting, air extraction and ventilation must be provided by Landlord.
 5. **1 copy/print/mail/supply room** for seven dedicated floor mounted printers, office supply storage and mail slots of approximately **540 SF**.
 6. **1 file room** of approximately **200 SF** for Licensing.
 7. **1 file room** of approximately **150 SF** for Finance.
 8. **1 Workroom** of approximately **500 SF** for SLED agents.
 9. **1 Storage room** of approximately **400 SF**.
 10. Network Server, Game Testing and Drawing Operations space is needed. There is a preference for these to be separate rooms, but area could be one large space as well to include:
 - **1 Network Server room** of **450-500 SF**.
 - i. Minimum length of the room should be 12 feet on the shorter side to accommodate 12 floor mounted server racks supplied by the Tenant.
 - ii. Space must be able to accommodate two separate HVAC units supplied by the Tenant.
 - iii. Humidity control is required in this room.
 - iv. Space must be equipped with a non-wet head fire suppression system such as Halon, FM 200,



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- NOVEC, or similar as well as an air pressurized sprinkler system with a corresponding water control valve.
- v. Room to be linked to a UPS battery system supplied by Tenant as well as the building generator supplied by Landlord.
- vi. Conduit from the Network Server Room must accommodate SCEL's copper wiring and fiber optic needs.
- **1 Quality Assurance testing room of 500-550 SF.**
- **1 Drawing Operations room of 150 SF.**
 - i. Connection to building generator required.
- **1 Computer Work Area of approximately 500 SF** for provisioning, evaluating/repairing, and storing IT equipment of approximately.
- **1 Telco room of approximately 100 SF** for communication lines to connect from the building's demarcation points to the SCEL's area.

D. OTHER NEEDS/PREFERENCES FOR LANDLORD TO NOTE

Landlord will allow the Tenant to have vendors outside of the lease agreement to run IT wiring and install their own security systems, a badge system, bio readers, camera system, and access control readers in the Demised Premises.

Landlord will allow law enforcement (Bureau of Protective Services Officer) to be in Demised Premises 24/7.

Landlord will provide building security (either personnel at the building's public entry point 24/7 or an acceptable access control and video monitoring system for building entry outside of normal working hours).

Landlord will allow Tenant to install cameras or have access to pre-existing camera feeds in exterior hallways and entrances for Tenant's law enforcement to monitor from their controlled/secured space in the Demised Premises.

Cabling must be fiber optic, with all terminations by the Landlord. All internet, phone/data electrical and other outlets to be provided by the Landlord throughout the space as specified by SCEL for all spaces. Tenant will attempt to reduce costs by using secure WI-FI connections to the extent practicable.

Landlord shall provide electrical hook up to the work stations.

Landlord will provide a backup generator for uninterruptible power for essential functions (computer network, network server AC, draw operations area, lighting, and security system including cameras, fingerprint reader and access card readers) for at least 72 continuous hours. Landlord will be responsible for all costs associated with the generator including but not limited to fuel, repairs/replacements, inspections/maintenance and testing as prescribed by the generator manufacturer. Landlord is responsible for providing Tenant with a copy of the inspections and test results and test(s) of operation. Generator must remain in ready, operating condition at all times.

A loading dock and/or ramp area with a service elevator or other convenient means to get computers and related equipment, print supplies, and other large items into the SCEL space and to provide for removal of equipment is required and must be fully described (e.g. location, size, capacity, etc.).

Landlord will allow adequate accessibility for rooftop-mounted HVAC exhaust fans (RTUs), communications equipment and required associated cabling conduit for all spaces.



One-hundred (100) parking spaces are desired with a minimum of 16 reserved spaces that require overnight parking. Single level parking adjacent to the building is preferred. A secured parking area which uses access cards for employees is preferred. Parking lot/garage must be paved, lighted and ADA compliant at Landlord's cost.

Street and lot parking areas for visitors and staff should be fully described.

III. PRODUCTION STUDIO (3,000 SF +/-)

A. STUDIO SET AREA

1. **Open Floor Space Area** for Studio Set and Related Equipment of approximately **1,000 SF**
2. Adequate open floor space to accommodate a production set draw machines, production cameras, fixed robotic camera, tripod camera, and wall mounted camera Tenant will provide (See attached floor plan for current layout).
3. Ceiling height must be at least between 12-15 feet.
4. Access to interior (perimeter) of the Studio must be secured with card and bio reader access controls.
5. **1 room for broadcast equipment and work space area** for 2 to 3 operators, approximately **250 SF** within the secure Studio interior.
6. **1 or 2 secure storage rooms** with a total of approximately **600 SF** (or storage area space within the secure Studio interior) ("Ball and Big Spin Room").
7. Flooring must be tile or LVP, or made of similar smooth and flat flooring material. Floor must be smooth and flat (no thresholds from Ball and Big Spin storage room to designated area on the set).
8. Door opening must be a minimum of 80" high and 36" wide. Prefer double doors.
9. If co-located with other tenants, floor to deck demising walls are required.
10. If the Studio set area is in same location as General Office Space (Section II), studio personnel access and egress points should not be in or near any public reception area.

B. STUDIO SUPPORT AREA

1. The space listed below must be adjacent to or in close proximity to the Studio set interior as described in Section IV. B above but does not have to be in the Studio set area:
 - a. **1 secure air-conditioned storage space** of approximately **350 SF**.
 - b. **1 secure air-conditioned storage space** of approximately **300 SF**.
 - c. **1 small room** of approximately **130 SF** ("Green Room").
 - d. **1 IT closet (ventilated)** or designated space for IT/network equipment of approximately **50 SF**.
 - e. Landlord agrees to allow Tenant to install dish for broadcasting on roof and to run necessary fiber optic cabling, and to accommodate innovative solutions as becomes available if necessary. Landlord will allow adequate accessibility for rooftop-mounted communications equipment and required associated cabling conduit.
2. All rooms must have a lockable door.
3. Landlord will provide backup generator for uninterruptable power for essential production studio functions (computer network, AC, studio facilities, lighting, and security system including cameras, fingerprint reader and access card readers) for at least 72 continuous hours.



C. OTHER NEEDS/PREFERENCES FOR LANDLORD TO NOTE

Location of Production Studio (Studio) should be in same building as General Office Space or in very close proximity as physical security is of paramount concern. Ground floor level is preferred.

Landlord will provide building security (either personnel at the building's public entry point 24/7 or an acceptable access control and video monitoring system for building entry outside of normal working hours).

Landlord will allow Tenant to install cameras or have access to pre-existing camera feeds in exterior hallways and entrances.

Landlord will provide backup generator for uninterruptable power for essential production studio functions (computer network, AC, studio facilities, lighting, and security system including cameras, fingerprint reader and access card readers) for at least 72 continuous hours. Landlord will be responsible for all inspections/maintenance and testing the generator as prescribed by the generator manufacturer. Landlord is responsible for providing Tenant with a copy of the inspections and test results and test(s) of operation. Generator must remain in ready, operating condition at all times.

Cabling must be fiber optic, with all terminations by the Landlord. All internet, phone/data electrical and other outlets to be provided by the Landlord throughout the space as specified by SCEL for all spaces. Tenant will attempt to reduce costs by using secure WI-FI connections to the extent practicable.

Landlord agrees to allow Tenant to install dish for broadcasting on roof and to run necessary fiber optic cabling, and to accommodate innovative solutions as becomes available if necessary.

Landlord will allow adequate accessibility for rooftop-mounted communications equipment and required associated cabling conduit.

All rooms must have a lockable door.

IV. CLAIMS CENTER (3,000 SF +/-)

A. PUBLIC AREA

1. **1 Lobby/Reception** area of approximately **750 SF +/-**. Lobby/Reception area for visitors must be a controlled area separated from the employee work area.
 - Exterior door must have a dual lock- manual and electronic mag to be provided by Landlord
 - **4 service windows with pass-through drawers**. Service windows must be made of bulletproof/bullet resistant glass surrounded with bulletproof/bullet resistant wall around the glass.
2. **1 small private interview room** of approximately 100-120 SF, only accessible from the Lobby/Reception area.

B. SECURED EMPLOYEE AREA

- All access to Claims Center Employee office space must be secured by access card and bio reader to be provided by Tenant. If SCEL shares a floor with other Tenants, floor to deck demising walls are required.
- All interior room doors must have functioning locks.



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- Space must include a separate employee-only entrance with an electronically controlled access door so employees do not have to enter/exit through main lobby area.
 - The space under the service window counter is to be open with only a “pencil type drawer” for each station.
1. **1 standard office** of approximately **120 SF**.
 2. **Open floor area** directly behind 4 service windows for employees to process claims/interact with customers of approximately **200 SF** to accommodate 4 workstations.
 3. **1 Open work room/file storage room** of approximately **200 SF**.
 4. **1 IT closet** (ventilated) of approximately **50 SF**.
 5. **1 medium storage room** of approximately **180 SF**.
 6. **2 restrooms** for employee use of approximately **64 SF each** (Men/Women).
 7. **1 break area** of approximately **150 square feet** with seating for 4 people, to include refrigerator, sink, garbage disposal, two water lines, microwave and a minimum of 6 outlets to be provided by Landlord) of approximately 24 SF.

C. OTHER NEEDS/PREFERENCES FOR LANDLORD TO NOTE

Location and main entrance should be easily noticeable and accessible by the public.

Ground level space preferred that is separate from other Tenants.

Lighted SCEL signage and signage for parking to be provided by Landlord upon request by Tenant. Designs must meet brand standard.

Landlord shall provide electrical hook up to the service windows.

Landlord will provide building security (either personnel at the building’s public entry point 24/7 or an acceptable access control and video monitoring system for building entry outside of normal working hours).

Landlord will allow Tenant to install cameras or have access to pre-existing camera feeds in exterior hallways and entrances.

Cabling must be fiber optic, with all terminations by the Landlord. All internet, phone/data electrical and other outlets to be provided by the Landlord throughout the space as specified by SCEL for all spaces. Tenant will attempt to reduce costs by using secure WI-FI connections to the extent practicable.

Landlord will allow the Tenant to have vendors outside of the lease agreement to run IT wiring and install the security systems, a badge system, bio readers, camera system, and access control readers in the Demised Premises.

Five (5) parking spaces are desired for Claims Center staff. Single level parking adjacent to the building in close proximity to the employee-only secure access door (separate from the public main front lobby entrance) is preferred. A secured parking area which uses access cards for employees is preferred. Parking lot/garage must be paved, lighted and ADA compliant at Landlord’s cost.

Street and lot parking areas for visitors and staff should be fully described.



MINIMUM STATE REQUIREMENTS

- **Standard State lease must be used – a copy is available on our website at: https://admin.sc.gov/real_property/forms or can be provided upon request.**
- Property must be barrier free, hazard free and smoke free.
- Property must meet zoning requirements for proposed use.
- Economical and efficient space utilization.
- All spaces must be ADA compliant. Landlord is responsible for all costs associated with ADA compliance.

PROPOSAL DUE DATE AND REMITTANCE INSTRUCTIONS

- Please provide proposed rates for **3, 5, 7, and 10-year terms.**
- **Proposals may be submitted for one or multiple locations for the various office types (Office, Production Studio, Claims Center).**
- Proposals must be received by the Real Property Services by **4:00 PM, May 26, 2023.**
- All proposals must be in writing and may be submitted by e-mail. (It is agent's responsibility to ensure receipt).
- Proposals should specify floor usable and rentable square feet (if applicable) and must be calculated according to the ANSI/BOMA-Z65.1-1996 standard.
- Please attach a proposed floor plan.
- Proposals should be for a GROSS lease to include all operating expenses, including utilities, janitorial services and supplies, pest control, trash removal, fire extinguisher checks, services and maintenance, grounds maintenance, repairs, taxes, insurance, general building maintenance, building equipment maintenance, electrical systems maintenance, HVAC maintenance, plumbing maintenance and any other service necessary to maintain and operate all building and site improvements. All janitorial services will be performed daily and during normal business hours (or less frequently if agreed to by the Tenant) at no additional fee to the Tenant.
- Proposals that require reimbursement of Tenant improvement costs upon an early termination are not preferred and may be eliminated from consideration.
- Proposals that require the pass-through of any increases in operating expenses above the amount included in the rent rate are not preferred and may be eliminated from consideration.
- Tenant prefers same Landlord for each space outlined herein but will consider more than one (1) Landlord if the leasing agent is the same for all 3 spaces.

CONTACT INFORMATION

All information and questions should be directed to Real Property Services – no direct contact can be made with South Carolina Department of Revenue. Direct contact can be cause for automatic disqualification.



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RETURN PROPOSALS AND DIRECT ALL QUESTIONS TO:

DEPARTMENT OF ADMINISTRATION
REAL PROPERTY SERVICES
1200 SENATE STREET, 6TH FLOOR
COLUMBIA, SC 29201
PHONE: 803-737-0644 or 803-737-1617
EMAIL: rps@admin.sc.gov
FAX: 803-737-0051

SUPPORTING DOCUMENTATION TO THE OFFER

If selected by the Agency, the offeror will be required to provide the following **before a lease is signed**:

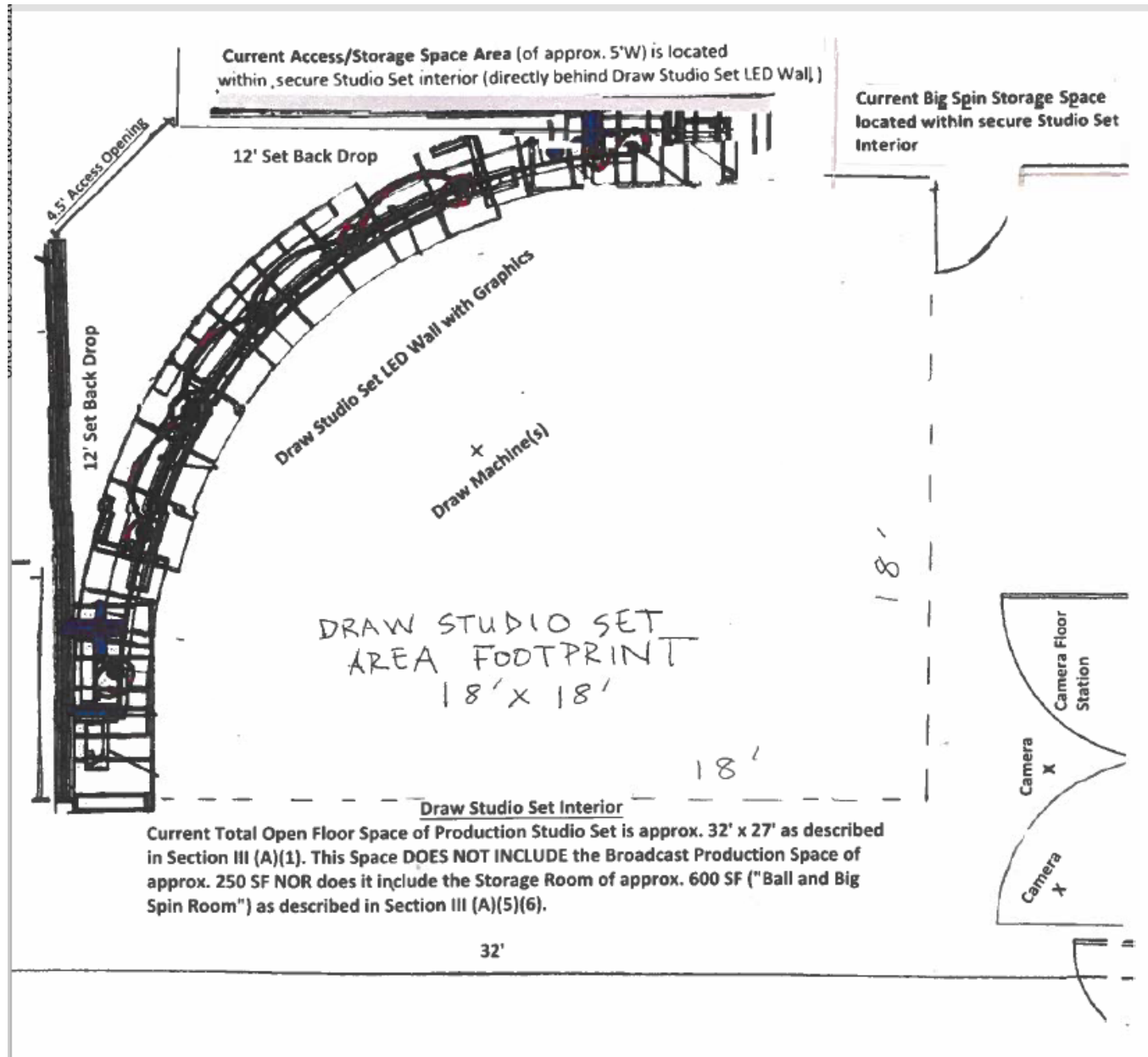
- Your [SC Vendor Registration](#) number
- Proof that the Landlord is registered with the [Secretary of State Office](#)
- Confirmation that the owner of the registered deed for the property matches the Landlord listed in the Proposal to Lease Space form. If the owner and address do not match, please provide justification for the discrepancy



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Exhibit "A"
SCEL PRODUCTION DRAW STUDIO SET
CURRENT LAYOUT (drawing not to scale)



LEASE SOLICITATION FORM

(This form is for property owners and leasing brokers who wish to lease real property to state agencies.)

**RECEIPT AND ACKNOWLEDGEMENT OF LEASING STATUTES 1-11-55, 1-11-56, 1-11-65
AND REGULATION 19-447.1000**

I have read the contents of S.C. Code of Laws §§ 1-11-55, 1-11-56 and 1-11-65, and Regulation §19-447.1000 in their entirety. I agree to comply with the foregoing statutes and regulations and agree that any lease arrangement entered into with a South Carolina state agency will be in accordance with such statutes and regulations.

Also, I understand that the Department of Administration, Real Property Services is the single central broker for leasing for state agencies, and all negotiations are to be conducted through this office. I further understand that direct contact or negotiation with an agency without the written permission of Real Property Services will be cause for my disqualification for participation in an agency's procurement process or solicitation. This prohibits obtaining information from an agency about its property needs or any other information about its specific property needs, including but not limited to physical data and lease terms and conditions. This restriction does not apply to dissemination of information which is public knowledge, such as a printed brochure or published rates.

I understand that leases (including rates and annual rent amounts), unless specifically exempted, are subject to and conditioned upon the approval of Real Property Services and shall be of no force or effect unless the consent of such office is obtained.

Dated this ____ day of _____, 20____.

WITNESS

Signature of Owner or Agent

Typed or Printed Name

EMAIL LIST

You will receive all solicitations by email only

Name of Company: _____
Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ Mobile: _____ Fax: _____
Email Address: _____

Please return completed form by mail, fax or email to: The South Carolina Department of Administration, Real Property Services, 1200 Senate Street, 6th Floor, Columbia, SC 29201,
E-mail: rps@admin.sc.gov; Fax: 803-737-0051



SOUTH CAROLINA CODE OF LAWS

SECTION 1-11-55. Leasing of real property for governmental bodies.

(1) "Governmental body" means a state government department, commission, council, board, bureau, committee, institution, college, university, technical school, agency, government corporation, or other establishment or official of the executive branch of this State. Governmental body excludes the General Assembly, Legislative Council, the Legislative Services Agency, the judicial department and all local political subdivisions such as counties, municipalities, school districts, or public service or special purpose districts.

(2) The Division of General Services of the Department of Administration is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section. However, a technical college, with the approval by the State Board for Technical and Comprehensive Education, and a public institution of higher learning, may enter into any lease agreement or renew any lease agreement up to one hundred thousand dollars annually for each property or facility.

(3) When any governmental body needs to acquire real property for its operations or any part thereof and state-owned property is not available, it shall notify the Division of General Services of its requirement on rental request forms prepared by the division. Such forms shall indicate the amount and location of space desired, the purpose for which it shall be used, the proposed date of occupancy and such other information as General Services may require. Upon receipt of any such request, General Services shall conduct an investigation of available rental space which would adequately meet the governmental body's requirements, including specific locations which may be suggested and preferred by the governmental body concerned. When suitable space has been located which the governmental body and the division agree meets necessary requirements and standards for state leasing as prescribed in procedures of the department as provided for in subsection (5) of this section, General Services shall give its written approval to the governmental body to enter into a lease agreement. All proposed lease renewals shall be submitted to General Services by the time specified by General Services.

(4) The department shall adopt procedures to be used for governmental bodies to apply for rental space, for acquiring leased space, and for leasing state-owned space to nonstate lessees.

(5) Any participant in a property transaction proposed to be entered who maintains that a procedure provided for in this section has not been properly followed, may request review of the transaction by the Director of the Division of General Services of the Department of Administration or his designee.

SOUTH CAROLINA CODE OF LAWS

SECTION 1-11-56. Program to manage leasing; procedures.

(A) The Division of General Services of the Department of Administration, in an effort to ensure that funds authorized and appropriated for rent are used in the most efficient manner, is directed to develop a program to manage the leasing



of all public and private space of a governmental body. The department must submit regulations for the implementation of this section to the General Assembly as provided in the Administrative Procedures Act, Chapter 23, Title 1. The department's regulations, upon General Assembly approval, shall include procedures for:

- (1) assessing and evaluating agency needs, including the authority to require agency justification for any request to lease public or private space;
 - (2) establishing standards for the quality and quantity of space to be leased by a requesting agency;
 - (3) devising and requiring the use of a standard lease form (approved by the Attorney General) with provisions which assert and protect the state's prerogatives including, but not limited to, a right of cancellation in the event of:
 - (a) a nonappropriation for the renting agency;
 - (b) a dissolution of the agency; and
 - (c) the availability of public space in substitution for private space being leased by the agency;
 - (4) rejecting an agency's request for additional space or space at a specific location, or both;
 - (5) directing agencies to be located in public space, when available, before private space can be leased;
 - (6) requiring the agency to submit a multiyear financial plan for review by the department with copies sent to Ways and Means Committee and Senate Finance Committee, before any new lease for space is entered into; and
 - (7) requiring prior review by the Joint Bond Review Committee and the requirement of State Fiscal Accountability Authority approval before the adoption of any new or renewal lease that commits more than two hundred thousand dollars annually in rental or lease payments or more than one million dollars in such payments in a five-year period.
- (B) Leases or rental agreements involving amounts below the thresholds provided in subsection (A)(7) may be executed by the Department of Administration without this prior review by the Joint Bond Review Committee and approval by the State Fiscal Accountability Authority.
- (C) The threshold requirements requiring review by the Joint Bond Review Committee and approval by the State Fiscal Accountability Authority as contained in subsection (A)(7) also apply to leases or rental agreements with nonstate entities whether or not the state or its agencies or departments is the lessee or lessor.

SOUTH CAROLINA CODE OF LAWS

SECTION 1–11–65. Approval and recordation of real property transactions involving governmental bodies.

(A) All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the Department of Administration for transactions of one million



dollars or less. For transactions of more than one million dollars, approval of the State Fiscal Accountability Authority is required in lieu of the department, although the recording will be with the department. Upon approval of the transaction, there must be recorded simultaneously with the deed, a certificate of acceptance, which acknowledges the department's and authority's approval of the transaction as required. The county recording authority cannot accept for recording any deed not accompanied by a certificate of acceptance. The department and authority may exempt a governmental body from the provisions of this subsection.

(B) All state agencies, departments, and institutions authorized by law to accept gifts of tangible personal property shall have executed by its governing body an acknowledgment of acceptance prior to transfer of the tangible personal property to the agency, department, or institution.

HISTORY: 1985 Act No. 201, Part II, Section 5; 1989 Act No. 26, Section 1; 1997 Act No. 153,

Section 2; 2014 Act No. 121 (S.22), Pt V, Section 7.C, eff July 1, 2015.

Editor's Note

Except for designation of the paragraphs, this section and former Section 1-11-57 were identical. For consistency, Section 1-11-57 is treated as an amendment to this section.

Effect of Amendment

2014 Act No. 121, Section 7.C, rewrote subsection (A).

SOUTH CAROLINA CODE OF REGULATIONS

19-447.1000. Leasing of Real Property.

A. LEASE OF NON STATE-OWNED REAL PROPERTY

No governmental body shall contract for the lease, rental, or use of non-state-owned real property without approval of the Office of General Services, except as specified in subsection C. Requests shall be directed to the Office of General Services. The Office of General Services shall negotiate or approve the terms of all leases of non-state-owned real property unless the governmental body has been exempted.

1. GENERAL REGULATIONS

(a) The Office of General Services shall be accountable for the procurement of leased real property for governmental bodies in accordance with the regulations promulgated by the Board.

(b) All leases shall require the written approval of the Office of General Services, except when such lease is exempt from approval by the Budget and Control Board.

(c) Before approving any lease, Office of General Services shall:

- (1) assure that all appropriate approvals have been obtained.
- (2) verify that adequate funds exist for the lease payments;
- (3) verify that lease payments represent no more than fair market rental;



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(4) verify that upfitting costs represent no more than current market costs;
(5) verify that a multi-year financial plan has been submitted by the requesting agency for review by the Budget and Control Board's budget office.

(d) All requests for leased real property by governmental bodies and agencies shall be submitted to the Office of General Services on a "Request for Space Form" provided by General Services.

(1) This form shall include, but not be limited to:

- (a) The purpose for which the space will be used.
- (b) Any special requirements or needs with written justification (computer rooms, etc.).
- (c) Parking requirements and justification.
- (d) The general location or area desired.
- (e) A multi-year financial plan for review by the Board's budget office.

(2) The amount of office space desired shall be computed and justified using the standards specified in Code Section 1-11-55.

(3) Other types of space (warehouse, laboratory, etc.) shall require a written letter of justification from the requesting agency or governmental body and shall include documentation of market standards for use of this type space. The Office of General Services shall be accountable for investigating the existing space or any other information given in the justification.

(4) The "Request for Space Form" or any other document requesting space or justifying the need for space shall be certified by the Director of the requesting agency or governmental body.

(e) An agency or governmental body desiring to renew an existing lease is responsible for notifying the Office of General Services in writing of its intention to do so at least 60 days before the renewal deadline as stated in the lease. Upon approval by appropriate boards and the Office of General Services, the governmental body or agency shall notify the Lessor that it has elected to exercise its right of renewal pursuant to the lease. The Office of General Services may send each a renewal request form and a reminder notice well in advance of these deadlines.

(f) Under no circumstances will the requesting governmental body or state agency contact or negotiate lease terms with any real estate agency, broker, builder, owner, or representative in reference to space needs without the prior written consent of the Office of General Services.

(g) The Office of General Services will begin investigation of available rental space within ten (10) working days after receiving the "Request for Space Form".

(h) When processing requests for space, the Office of General Services will first determine whether appropriate state-owned or state-leased space is available before exploring commercial space alternatives. If such space is available, the Office of General Services will direct the requesting agency or governmental body to occupy said space. If state-owned or state-leased space is unavailable or inappropriate, the Office of General Services shall begin a solicitation process to secure proposals for commercial space from as many qualified developers and/or brokers as is practicable.

(i) Rental rates will be determined by the Office of General Services for all leases by use of standard acceptable market rent analysis methods.

2. TYPES OF LEASE TRANSACTIONS

All state leases will be categorized as one of the following five types:

(a) Exempt Leases. Those leases exempted in accordance with subsection C or otherwise exempted by the Budget and Control Board.

(b) Standard Lease. All leases which commit less than \$1 million in a five year period and which do not involve equity accrual.



(c) Major Leases. Any lease which commits \$1 million or more in a five year period but which is otherwise standard in all respects.

(d) Lease/Purchases. All lease transactions which include clauses providing for equity accrual.

(e) Other Leases. All leases which are not encompassed by the first four categories. At its discretion, the Office of General Services may place any proposed lease transaction in this category if it involves complex issues or methodologies which warrant special handling.

3. EXEMPT LEASES

All exempt leases will be administered in accordance with regulations and procedures outlined in subsection C or Budget and Control Board directives.

4. STANDARD LEASES

(a) The Office of General Services will be responsible for managing all aspects of soliciting lease proposals from commercial entities. In all solicitations, the Office of General Services is required to assure that equitable competition occurs in the broadest market practicable.

(b) The Office of General Services will review all proposals from prospective Lessors with the agency or governmental body. The Office of General Services will recommend the proposal which offers the most cost effective terms and conditions to the agency or governmental body after satisfying subjective criteria such as parking, location requirements, special needs, etc. If the agency accepts the recommendation, General Services will make the selection and begin negotiations to finalize the lease transaction.

(c) If the agency or governmental body cannot accept the Office of General Services' recommendation, the dispute shall be referred to the Budget and Control Board, which will make the final determination.

(d) Evaluation criteria shall include total cost (including rental payments, upfitting costs, escalations, additional rents, operating, and all other costs) and location. Other subjective criteria such as parking and other special needs may be included. Total cost shall be given the highest weight of any single factor.

(e) Before making a recommendation, the Office of General Services shall verify that:

- (1) all prior approvals have been obtained;
- (2) adequate funds exist for the lease payments;
- (3) lease payments are no more than fair market rental; and
- (4) upfitting costs are no more than reasonable market costs.

(f) The Office of General Services may reject the agency's request for additional space and/or space at a specific location.

5. MAJOR LEASES

(a) All regulations and procedures for standard leases will apply to all major leases.

(b) All major leases must be reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board before a final lease becomes effective.

6. LEASE/PURCHASES

All regulations and procedures for major leases will apply to lease/purchase transactions.

7. OTHER LEASES

(a) At its discretion, the Office of General Services may place any proposed lease transaction in this category if it involves complex issues or methodologies which warrant special handling.



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(b) The Office of General Services shall determine which of the above regulations are applicable to any special lease situation and may adopt additional procedures to meet special needs on a case by case basis.

8. STANDARD LEASE DOCUMENTS

(a) The Office of General Services will be responsible for drafting and updating the state standard lease document.

(b) The state standard lease document will be used in all lease negotiations unless a substitute document is approved in advance by the Office of General Services.

(c) The state lease document will incorporate cancellation provisions including a right to cancel in the event of a (a) non-appropriation of funds for the renting agency, (b) dissolution of the agency and (c) the availability of public space in substitution for private space being leased by the agency.

B. LEASE OF STATE-OWNED REAL PROPERTY

No governmental body shall contract with any commercial entity or other governmental body for the lease, rental, or use of state-owned real property whether it be titled in the name of the State of South Carolina or any governmental body, without approval of the Office of General Services, except as specified in subsection C. Requests shall be directed to the Office of General Services. The Office of General Services shall negotiate or approve the terms of all leases of state-owned real property unless the governmental body has been exempted.

C. EXEMPTIONS

The Budget and Control Board may exempt governmental bodies from leasing state-owned and non-state-owned real property through the leasing procedure herein required provided, however, that annual reports be filed with the Office of General Services, prior to July 1 of each year. Annual reports shall contain copies of all existing leases of state-owned and non-state-owned real property. The Budget and Control Board may limit or withdraw any exemptions provided for in this Regulation.

HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.

